

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

WILSON CHARLES HAUGH, JR.,)	CASE NO. 5:23 CV 84
)	
Plaintiff,)	JUDGE JOHN R. ADAMS
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
TUSCARAWAS COUNTY COURT OF)	<u>AND ORDER</u>
COMMON PLEAS,)	
)	
Defendant.)	

Pro se Plaintiff Wilson Charles Haugh, Jr. brings this action pursuant to 42 U.S.C. § 1983 against Defendant the Tuscarawas County Court of Common Pleas. It appears from his filing that Haugh believes that the state court is improperly moving forward against him in a criminal proceeding based upon an alleged violation of a civil protection order. Upon initial review, the Court finds that this matter must be dismissed.

Although *pro se* pleadings are liberally construed, *Boag v. MacDougall*, 454 U.S. 364, 365 (1982) (per curiam); *Haines v. Kerner*, 404 U.S. 519, 520 (1972), the district court is required to dismiss an *in forma pauperis* action under 28 U.S.C. § 1915(e) if it fails to state a claim upon which relief can be granted, or if it lacks an arguable basis in law or fact. *Neitzke v. Williams*, 490 U.S. 319 (1989); *Lawler v. Marshall*, 898 F.2d 1196 (6th Cir. 1990); *Sistrunk v. City of Strongsville*, 99 F.3d 194, 197 (6th Cir. 1996). A claim lacks an arguable basis in law or fact when it is premised on an indisputably meritless legal theory or when the factual contentions

are clearly baseless. *Neitzke*, 490 U.S. at 327. A cause of action fails to state a claim upon which relief may be granted when it lacks “plausibility in the complaint.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 564 (2007).

The sole named Defendant in this action is the Tuscarawas County Court of Common Pleas. Common pleas courts, however, are not *sui juris*, meaning they cannot sue or be sued in their own right. *See Cimerman v. Cook*, 561 Fed.Appx. 447, 450 (6th Cir. 2014) (common pleas courts are not *sui juris*); *see also Moore v. Cuyahoga County*, 2017 WL 9486440 (reaching the same conclusion in the § 1983 context). As there are no properly named defendants in this matter, it must be dismissed.

Accordingly, this action is dismissed pursuant to 28 U.S.C. § 1915(e). The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.¹

IT IS SO ORDERED.

Date: January 27, 2023

/s/ John R. Adams

JOHN R. ADAMS

UNITED STATES DISTRICT JUDGE

28 U.S.C. § 1915(a)(3) provides:

An appeal may not be taken *in forma pauperis* if the trial court certifies that it is not taken in good faith.